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8 Attorneys for Defendants,
RAYMOND FU and SHISEIDO AMERICAS
CORPORATION (f/k/a GIARAN, INC.)
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 VASO GOUNTOUMAS, an individual,

14 Plaintiff,

15 vs.

16 GIARAN, INC., a Delaware
corporation; RAYMOND FU, an
17 individual, and DOES 1-10, inclusive,

18 Defendants.
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Case No. 2:18-CV-07720-JFW(PJWx)

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
COMPEL ARBITRATION AND
TO DISMISS, OR IN THE
ALTERNATIVE STAY ACTION**

*[Memorandum of Points and
Authorities In Support Thereof;
Declarations of Charles J. Malaret
and Yun "Raymond" Fu In Support
Thereof; and [Proposed] Order filed
concurrently herewith]*

Honorable John F. Walter
Place: Courtroom 7A
United States Courthouse
350 W. 1st Street
Los Angeles, CA 90012

Date: November 19, 2018
Time: 1:30 p.m.

1 **TO PLAINTIFF AND HER ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 19, 2018, at 1:30 p.m. or as
 3 soon thereafter as may be heard in Courtroom 7A of this Court, located at 350 West
 4 1st Street, Los Angeles, CA 90012, Defendants Yun “Raymond” Fu (“Raymond
 5 Fu”) and Giaran, Inc. (“Giaran,” n/k/a Shiseido Americas Corporation) (collectively
 6 referred to herein as “Defendants”), will and hereby move this Court for an Order
 7 compelling Plaintiff Vaso Gountoumas (“Plaintiff”) to arbitrate the claims alleged
 8 in this action and to dismiss, or in the alternative stay Plaintiff’s action.

9 Defendants move to compel and dismiss Plaintiff’s claims for the following
 10 reasons:

11 First, Plaintiff’s claims are subject to binding arbitration pursuant to the
 12 consulting agreement that Plaintiff signed. Plaintiff’s consulting agreement
 13 contains an arbitration provision requiring Plaintiff to arbitrate any controversy or
 14 claim arising out of or relating to her work for Giaran. Under federal,
 15 Massachusetts, and California law, Plaintiff entered into a valid and binding
 16 arbitration agreement covering the scope of Plaintiff’s claims. Therefore, her
 17 claims should be compelled to arbitration. Moreover, any question of arbitrability
 18 should be for the arbitrator to decide.

19 Second, because Plaintiff’s claims should be compelled to arbitration and are
 20 within the scope of the arbitration provision contained in Plaintiff’s consulting
 21 agreement, dismissal of this action is appropriate under federal law. In the
 22 alternative, in order to save conserve the time and resources of the Court and
 23 parties, Plaintiff’s action should be stayed.

24 This motion is made following the conference of counsel pursuant to
 25 L.R. 7-3 that took place on September 6, and October 10-12, 2018. This Motion is
 26 based on this Notice of Motion and Motion, the accompanying Memorandum of
 27 Points and Authorities, the Declarations of Charles J. Malaret and Yun “Raymond”
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1 Fu in support thereof, and all exhibits attached thereto, evidence to which the Court
2 may take judicial notice, the complete record in this action, and any other evidence
3 as may be presented by Defendants at or before the hearing on this Motion.
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5 Dated: October 15, 2018

MORGAN, LEWIS & BOCKIUS LLP

7 By: /s/ Charles J. Malaret

8 Charles J. Malaret
9 Kathryn T. McGuigan
Emily L. Calmeyer

10 Attorneys for Defendants, Shiseido
Americas Corporation and Raymond Fu
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